

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:20-cv-00281-MR-WCM**

<b>HEATH RICE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER OF REMAND</u></b>
	)	
<b>KILOLO KIJAKAZI,<sup>1</sup> Acting</b>	)	
<b>Commissioner of Social Security,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the Court on the Defendant’s Consent Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) [Doc. 16].

Sentence four of 42 U.S.C. § 405(g) provides, in pertinent part, that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” The Defendant here has moved for reversal of the decision below and for a remand of this case for further administrative proceedings.

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021, and is therefore substituted in this action as the named Defendant. See Fed. R. Civ. P. 25(d).

For the reasons stated in the Defendant's motion, and in light of the Plaintiff's consent, the Court finds that remand is appropriate. See Melkonyan v. Sullivan, 501 U.S. 89 (1991).

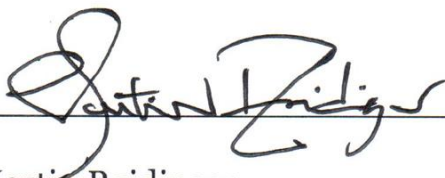
**IT IS, THEREFORE, ORDERED** that the Defendant's Consent Motion for Reversal and Remand [Doc. 16] is **GRANTED**.

**IT IS FURTHER ORDERED** that, pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), the decision of the Commissioner of Social Security is hereby **REVERSED**, and this case is hereby **REMANDED** for further administrative proceedings, consistent with this Order.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

**IT IS SO ORDERED.**

Signed: August 26, 2021

  
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Martin Reidinger  
Chief United States District Judge

